

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JON'TA TOMORREEA HAMPTON-BEY,)	
)	
Petitioner,)	
)	
v.)	1:09CV777
)	
ALVIN W. KELLER, JR.,)	
)	
Respondent.)	

O R D E R

On October 15, 2009 and March 16, 2010, the United States Magistrate Judge's Recommendations were filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections (Docket Entry 5) to the October 15, 2009 Recommendation and thereafter filed a Motion for Summary Judgment (Docket Entry 9) and Motion to Dismiss (Docket Entry 14), which were addressed in the March 16, 2010 Recommendation. On March 22, 2010, Petitioner filed objections to this second recommendation.

The Court has reviewed Petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that for the same reasons stated in the October 15, 2009 recommendation (Docket Entry 3) Petitioner's Motion for Summary Judgment (Docket Entry 9) and his Motion to Dismiss (Docket Entry 14) are denied, and this Petition is dismissed for failure to apply to the Fourth Circuit Court of Appeals for an order authorizing this district court to consider the current petition as is required by 28 U.S.C. § 2244, and that

finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

This the day of April 20, 2010

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge
